

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AF HOLDINGS LLC,

No. C 12-2397 SI

Plaintiff,

**ORDER GRANTING REQUEST FOR
LEAVE TO TAKE EARLY DISCOVERY**

v.

JOHN DOE,

Defendant.


Plaintiff has filed an administrative request seeking leave to take discovery prior to the Rule 26 conference. Docket No. 10. Having considered plaintiff's papers, the Court hereby GRANTS the administrative request and finds that plaintiff has demonstrated good cause to take early discovery. *See Semitool, Inc. v. Tokyo Electron Am., Inc.*, 208 F.R.D. 273, 276 (N.D. Cal. 2002). Plaintiff has no other way to obtain the identity of defendant, which is necessary to permit plaintiff to effect service of process. In addition, expedited discovery is appropriate because Internet Service Providers ("ISPs") typically retain user activity logs for only a short period of time before destroying the information. Hansmeier Decl. ¶ 29.

Plaintiff is granted leave to serve a Federal Rule of Civil Procedure 45 subpoena on SBC Internet Services and other ISPs seeking the name, address, telephone number, e-mail address, and Media Access Control address of the subscriber(s) assigned to IP address 69.110.5.254. The ISPs shall serve a copy of the subpoena and a copy of this Order upon the subscriber(s) within five days of receipt of the subpoena. The subscriber(s) shall then have 15 days from the date of service upon them to file any objections with this Court. If that 15-day period elapses without a subscriber filing an objection or a motion to quash, the ISPs shall have 10 days after said lapse to produce the information to plaintiff

1 pursuant to the subpoena. The ISPs shall preserve any subpoenaed information pending the resolution
2 of any objection or motion to quash.

3
4 **IT IS SO ORDERED.**

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6 Dated: June 4, 2012



SUSAN ILLSTON
United States District Judge